

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Telephone Number Portability)	CC Docket No. 95-116
)	
Petition of Citizen Communications for)	
Waiver of Section 52.33(a) of the)	CCB/CPD No. 01-16
Commission's Rules)	

REPLY COMMENTS OF SPRINT CORPORATION

Sprint Corporation ("Sprint") submits its Reply Comments to the comments filed to the above captioned Petition for Waiver ("Petition") filed by Citizens Communications Company ("Citizens").

In the Petition, Citizens seeks a waiver of Section 52.33(a) of the Commission's Rules¹ in order to bill its end users an "LNP Query Surcharge," prior to implementing local number portability ("LNP"). The LNP Query Surcharge would recover (i) Citizens' mandatory NPAC contribution, and (ii) its query service charges. Citizens further seeks to recover other costs of implementing LNP through an "LNP Service Surcharge."²

Sprint opposes Comments filed by ALLTEL and Joint Comments filed by the "Associations,"³ seeking to recover LNP costs through interstate access charges. These commenters raised petitions filed in 1998 and 1999 seeking to allow LECs who have not

¹ 47 CFR §52.33(a).

² Petition at 4.

³ The Associations consist of NECA, NRTA, NTCA, OPASTCO, USTA, and TDS Telecom.

implemented LNP capability to recover LNP costs through interstate access charges.⁴ The Commission has not approved these petitions, and should not do so. Section 251(e)(2) of the Communications Act of 1934, as amended (the "Act") provides that the cost of establishing number portability shall be borne by all telecommunications carriers on a competitively neutral basis as determined by the Commission.⁵ The Commission has determined that cost recovery through access charges is not competitively neutral. Specifically, in the Third Report and Order in the above captioned docket, the Commission found that

"Because number portability is not an access-related service and IXC's will incur their own costs for the querying of long distance calls, we will not allow LECs to recover long-term number portability costs in interstate access charges. Nor would it likely be competitively neutral to do so."⁶

In fact, recovering LNP costs through an end user surcharge is the only competitively neutral recovery mechanism. The alternative, recovery through access charges, would disadvantage purchasers of access services (mainly IXC's) and simply cause more implicit subsidies. Thus, Sprint does not oppose Citizens' Petition to recover LNP costs from its own end users, but does oppose ALLTEL's and the Associations' suggestion that LNP costs be recovered through access charges.

⁴ ALLTEL Comments at 2; Associations Comments at 2

⁵ 47 U.S.C. §251(e)(2).

⁶ *Telephone Number Portability*, CC Docket No. 95-116, Third Report and Order, FCC 98-82 (released May 12, 1998) at ¶135 (footnote omitted).

Respectfully submitted,

SPRINT CORPORATION

By _____//s//

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CERTIFICATE OF SERVICE

I, Joyce Walker, hereby certify that I have on this 21st day of August 2001, served via U.S. First Class Mail, postage prepaid, or Hand Delivery, a copy of the foregoing "Reply Comments of Sprint Corporation" In the Matter of Telephone Number Portability; Petition of Citizen Communications for Waiver of Section 52.33(a) of the Commission's Rules, CC Docket No. 95-116; CCB/CPD No. 01-16, filed this date with the Secretary, Federal Communications Commission, to the persons listed below.

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